

### REMARKS

Claims 1, 2, 6 and 8 were rejected in this First Office Action. In response, claims 1, 2, 6 and 8 are being amended, and claim 11 is being added. Accordingly, claims 1, 2, 6, 8 and 11 are pending in this Application.

#### Response to Rejection under 35 USC 112

The Examiner rejected claims 1, 2, 6 and 8 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctively claim the subject matter which applicant regards as the invention. Specifically, the Examiner stated that it is not understood to that the structural limitations are of a plastic bag. The Examiner has interpreted a "plastic bag" in its broadest sense to the equivalent to a laminate covering sealed around the edges.

In response, applicant is deleting the language "plastic bag" from claim 1. In claim 8, the language "plastic bag" is still used. However, applicant respectfully submits that applicant is allowed to use his own lexicon because the structure of "plastic bag" is well defined by figures 4A and 4B and the related description in the specification.

#### Response to Claim Rejection under 35 USC 103

The Examiner rejected claims 1, 2, 6 and 8 under 35 USC 103(a) as being unpatentable over Machnikowski (4,024,832) in view of Weinberg (5,515,8090). Applicant respectfully submits that claims 1, 2, 6 and 8, as amended, have overcome this rejection.

Specifically, claim 1, as amended, recites a bookmark which contains the following limitations:

wherein the bookmark body (20) has a protective surface (21) on which the bookmark clip is mounted, has a bendable folding surface (23) extending from the protective surface (21), and has a folding sheet (22)

extending from the folding surface (23), thereby when the bendable folding surface (23) is *bent over* one or more pages of the book, *the distal end portion of the folding sheet (22) is inserted between two inner pages of the book (emphasis added)*.

By contrast, Machnikonwski does not disclose or suggest *a folding sheet (22) on which the distal end portion is inserted between two inner pages of the book*, as required by claim 1. In addition, the combination of Machnikonwski and Weinberg does not teach or suggest having “a folding sheet (22) extending from the folding surface (23), thereby when the bendable folding surface (23) is *bent over* one or more pages of the book, *the distal end portion of the folding sheet (22) is inserted between two inner pages of the book.*”

In fact, Machnikonwski teaches away from having such a folding sheet (22) *on which the distal end portion is inserted between two inner pages of the book*. Specifically, Machnikonwski recites an embodiment of a bookmark including a first section 26 and a second section 28 (see figure 1 of Machnikonwski). According to Machnikonwski, “... the remainder of the first section 26 can be slipped over or inserted on to the edge of one or more pages 32 of a book while the second section *extends* from the pages and also the cover 34 of the book so that this section of the bookmark *is readily visible*, even with the book closed.” (See lines 58-63 in column 2 of Machnikonwski) (*emphasis added*).

In addition, Machnikonwski recites another embodiment of a bookmark including a first section 98 and a second section 100 (see figure 8 of Machnikonwski). According to Machnikonwski, “The remainder of the sheet forms a first section 98 and an *always exposed or visible second section 100* adjacent to the fixed end of the tongue. (See lines 46-48 in column 4 of Machnikonwski) (*emphasis added*). Furthermore, Machnikonwski describes “The section 100 of the marker extends out beyond the cover 102 of the manuscript so as to *be visible*, even if it is closed, to catch a person’s attention.” (see lines 59-62 in column 4 of Machnikonwski) (*emphasis added*).

Accordingly, claim 1 is patentable under 35 USC 103(a) over Machnikowski in view of Weinberg. Claims 2, 6, 8 and 11 depend from claim 1 and contain additional features and limitations. Therefore, they are additionally allowable under 35 USC 103(a) over Machnikowski in view of Weinberg.

Conclusion:

In view of the forgoing, all pending claims are deemed in allowable condition.

Allowance for all pending claims is respectfully requested.

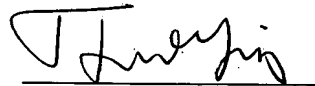
Extension of Time

The Notice stated that "If the non-compliant amendment is a reply to a Non-Final Office Action ..., and since the amendment appears to be a bona fide attempt to be a reply (37 CFR 1.135(c)), applicant is given a Time PERIOD of ONE MONTH from the mailing of this Notice which to submit the corrected action which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTESNIONS OF THIS TIME ARE AVAILABLE UNDER 37 CFR 1.136 (a).** Therefore, applicant requests for one-month time extension by paying a required fee.

The Commissioner is hereby authorized to charge any fee to Deposit Account 50-2125.

A duplicate of this sheet is enclosed.

Respectfully submitted,



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